



California Regional Water Quality Control Board
North Coast Region
Beverly Wasson, Chairperson



Alan C. Lloyd, Ph.D.
Agency Secretary

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Arnold
Schwarzenegger
Governor

January 23, 2006

Mr. Mr. Bill Taggart
P.O. Box 2490
Weaverville, CA 96093

Dear Mr. Taggart:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for Browns Creek Bridge Replacement Project

File: Trinity Co. DOT – Browns Creek Bridge Replacement
WDID No. 1B05138WNTR

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341), in response to your request, on behalf of the Trinity County Department of Transportation (applicant), for Water Quality Certification to replace the bridge over Browns Creek on Deerlick Springs Road in Trinity County. On October 13, 2005, the Regional Water Board received your application and an \$844.00 processing fee. On December 22, 2005, we deemed the application complete, with the exception of the balance of the appropriate application fee, and we posted information describing the project on the Regional Water Board's website for a 21-day public review and comment period. We did not receive any comments on this project. On January 17, 2006, the State Water Board received an additional \$322.50 that covers the remaining balance of the application fee.

Project Description: The project is located on Deerlick Springs Road, approximately 2 miles south of Highway 3, near Douglas City. The existing single-lane bridge structure is structurally deficient and is no longer adequate, due to its narrow width, insufficient hydraulic capacity, aging wood timbers, and eroded bridge footings. The project involves installation of a new bridge slightly upstream of the existing bridge on a modified road alignment.

The new bridge will have two 12-foot wide lanes, one 2-foot wide shoulder, and one 6-foot wide shoulder for bicycles and pedestrians. The modified road alignment will have wider bridge approaches and the curve on the western approach will be straightened. The new bridge will be placed on new concrete abutments and will span Browns Creek without any in-stream support pilings. The existing bridge will be used as a traffic detour during construction of the new bridge, and its abutments, pilings,

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and approach fills will be removed after construction of the new bridge is complete.

Placement of the new bridge footings, abutments, and rock slope protection will result in approximately 0.16-acre of permanent impacts to the stream bank and riparian area. Construction access and temporary falsework will result in approximately 0.15-acre of temporary impacts to the stream bank and riparian area. Proposed construction activities located above ordinary high water are scheduled to begin in April 2006. The project is anticipated to be complete by the end of the 2007 construction season.

Receiving Waters:	Browns Creek in the Douglas City Hydrologic Subarea No. 106.31
Filled or Excavated Area:	Area Temporarily Impacted: 0.15 acre of stream bank Area Permanently Impacted: 0.16 acre of stream bank
Total Linear Impacts:	Length temporarily impacted: 100 feet of stream bank Length permanently impacted: 200 feet of stream bank
Federal Permit:	U.S. Army Corps of Engineers Nationwide Permit No. 14
Compensatory Mitigation:	Compensatory mitigation for this project includes restoration of the stream banks in the area of the existing bridge. The stream banks will be graded to match the adjacent natural banks and the disturbed areas will be replanted with native riparian species in accordance with the Riparian Habitat Mitigation and Monitoring Plan.
Noncompensatory Mitigation:	Noncompensatory mitigation measures for this project include the use of Best Management Practices for heavy equipment use and use of concrete near a waterway, and for sediment and erosion control. The applicant has applied for a Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Game.
CEQA Compliance:	The Trinity County Planning Department, as the lead agency for California Environmental Quality Act compliance, determined that this project, as mitigated, will not have a significant effect on the environment and certified a Negative Declaration on November 12, 2003.
Standard Conditions:	Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:

- 1) This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and 23 CCR 3867.
- 2) This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- 3) The validity of any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR 3833, unless otherwise stated in writing by the certifying agency.

Additional Conditions:

Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

- 1) The applicant shall notify the Regional Water Board in writing at least five working days (working days are Monday – Friday) prior to the commencement of the project, with details regarding the schedule of operations, to allow staff the opportunity to be present onsite and to answer any public inquiries that may arise regarding the project.
- 2) All conditions listed in this Water Quality Certification must be included in the Plans and Specifications prepared by the applicant for the Contractor. All conditions shall be implemented according to the submitted application and this Water Quality Certification.
- 3) A copy of this permit must be provided to the contractor and all subcontractors conducting the work, and a copy must be in their possession at the work site. It is the applicant's responsibility to ensure that the contractor and all subcontractors are provided a copy of this permit.
- 4) Adequate Best Management Practices for sediment and turbidity control shall be implemented and in place prior to, during, and after construction in order to ensure that no silt or sediment enters surface waters.

- 5) If, at any time, an unauthorized discharge to surface waters occurs, or any water quality problem arises, the project shall cease immediately and Regional Water Board staff shall be notified promptly.
- 6) No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this permit, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State.
- 7) When operations are completed, any excess material or debris shall be removed from the work area and disposed of properly. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
- 8) The total area of all permanent impacts to waters of the United States shall not exceed 0.16 acre.
- 9) If construction dewatering is found to be necessary, the applicant will use a method of water disposal other than disposal to surface waters (such as land disposal) or the applicant shall apply for coverage under the General Construction Dewatering Permit and receive notification of coverage to discharge to surface waters.
- 10) Fueling, lubrication, maintenance, operation, storage and staging of vehicles and equipment shall be outside of waters of the United States and shall not result in a discharge or a threatened discharge to waters of the United States. At no time shall the applicant use any vehicle or equipment, which leaks any substance that may impact water quality.
- 11) Project activities shall comply with provisions in the North Coast Region Water Quality Control Plan (Basin Plan).
- 12) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.
- 13) All work within waters of the United States shall not commence until June 15th and shall be completed prior to October 30th unless an extension of this work period is authorized by the California Department of Fish and Game.

- 14) All activities, Best Management Practices, and associated mitigation shall be conducted as described in this Permit and the application submitted for this project.
- 15) The applicant shall take photos of all areas disturbed by project activities, including the excess materials disposal area, after the first rainfall event that generates visible runoff from these areas in order to demonstrate that erosion control measures have been successful. A report containing these photos shall be submitted within 60 days of the first rainfall event that generates runoff from the disturbed areas.
- 16) Visual observations for increased turbidity shall be conducted and recorded whenever a project activity or subsequent erosion of a disturbed area has the potential to increase turbidity in any surface water. Field turbidity measurements shall be collected whenever a visible increase in turbidity is observed. Turbidity measurements shall be collected upstream (within 50 feet) of project activities and downstream (within 100 feet) of the source of turbidity. The monitoring frequency shall be a minimum of every hour during periods of increased turbidity or until turbidity levels are no longer increasing as a result of project activities. If turbidity levels are greater than 20 percent above background levels 100 feet downstream of the project area, the distance to the downstream extent of the turbidity increase (greater than 20 percent above background) shall be determined and promptly reported to Regional Water Board staff. All recorded visual observation and all field turbidity measurements shall be submitted in a report to the Regional Water Board within 60 days of project completion.
- 17) This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the applicant, the applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, address, and telephone number of the person(s) responsible for contact

with the Regional Water Board. The request must also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order.

Water Quality Certification: I hereby issue an order [23 CCR Subsection 3831(e)] certifying that any authorized discharge from the Browns Creek Bridge Replacement Project, (Facility No. 1B05138WNTR) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act [33 USC Subsection 1341 (a)(1)], and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration: The authorization of this certification for any dredge and fill activities expires on January 23, 2011. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please notify Dean Prat of our staff at (707) 576-2801 prior to construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine Kuhlman
Executive Officer

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Enclosure:

State Water Resources Control Board Order No. 2003-0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification"

cc: Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market Street,
San Francisco, CA 94599
U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA 95502